

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

Koninklijke Philips N.V. and Philips Lumileds
Lighting Company LLC,

Plaintiff,

vs.

Elec-Tech International Co., Ltd., Elec-Tech
International (H.K.) Co., Ltd., Wuhu Elec-
Tech Photoelectric Technology Co., Ltd., ETI
Yangzhou Photovoltaic Technology Co., Ltd.,
Dalian Deheo Photovoltaic Technology Co.,
Ltd., Shenzhen Retop LED Display Co., Ltd.,
ETI Solid State Lighting Inc., ETI LED
Solutions Inc., Donglei Wang, Eva Chan, and
Gangyi Chen,

Defendants.

CASE NO. 5:14-CV-02737-BLF

**[PROPOSED] ORDER GRANTING
DEFENDANTS ELEC-TECH
INTERNATIONAL CO., LTD. AND
ELEC-TECH INTERNATIONAL (H.K.)
CO., LTD.'S NOTICE OF MOTION AND
MOTION FOR CIVIL CONTEMPT
AND/OR FOR SANCTIONS AGAINST
PLAINTIFFS AND REED SMITH LLP
FOR VIOLATIONS OF THE PARTIES'
AGREED PROTECTIVE ORDER**

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[PROPOSED] ORDER

Having considered Elec-Tech International Co., Ltd. and Elec-Tech International (H.K.) Co., Ltd 's (the "Moving Defendants") Motion for Civil Contempt and/or for Sanctions Against Plaintiffs and Reed Smith LLP for Violations of the Parties' Agreed Protective Order (the "Motion"),

IT IS HEREBY ORDERED AND ADJUGED that

(1) The Moving Defendants' Motion is GRANTED;

(2) Koninklijke Philips N.V. and Philips Lumileds Lighting Company LLC ("Plaintiffs") and their counsel, Reed Smith LLP ("Reed Smith"), having violated the agreed-upon Model Protective Order for Litigation Involving Patents, Highly Sensitive Confidential Information and/or Trade Secrets promulgated by the United States District Court for the Northern District of California (the "Agreed Protective Order"), are hereby held in civil contempt of court;

(3) Plaintiffs shall amend their complaint (the "State Complaint") docketed in Case No. 1-15-CV-278566 in the Superior Court for the County of Santa Clara, California (the "State Court Action") and excise all references to Moving Defendants' designated discovery materials and confidential information produced to Plaintiffs in this action; and

(4) Plaintiffs and Reed Smith shall reimburse Moving Defendants for all reasonable fees and costs incurred by Moving Defendants as a result of violations by Plaintiffs and Reed Smith of the Agreed Protective Order (in an amount to be determined);¹ and

(5) Plaintiffs, as an evidentiary sanction, are permanently prohibited from using, for any purpose (including in any litigation in the State Court Action or any other legal proceeding), Moving Defendants' designated discovery materials and confidential information produced to Plaintiffs in the this action and improperly used and/or relied upon in the State Complaint, including, without limitation, Exhibits , 3, 5, 6, 7,8, 9, 10, 12, 13, 14, 15, 16, 17, 18, 19, 20, 23, 24, 28, 31, 39, 41, 43, 44, 45, and 50 to the Declaration of Lawrence E. James, Jr. in Support of Opposition to Defendants' Motion to Dismiss for Lack of Subject Matter Jurisdiction and Motion

¹ Moving Defendants shall file proof of such fees and costs within thirty (30) days of the entry of this Order.

1 to Dismiss for Lack of Personal Jurisdiction, Dkt. Nos. 88-7 & 91-7 and any other designated
2 discovery materials produced in this action from which the improperly disclosed information
3 could have been derived.

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5 DATED _____

6 The Honorable Beth L. Freeman
7 United States District Court Judge
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